IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Crl.MC.No. 2483 of 2007()

AGAINST THE ORDER IN LP.78/2005 IN
ST.808/2004 of CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM

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PETITIONER: ACCUSED

MANUEL GEORGE @ MANICHEN,
VELLOOKUNNEL HOUSE, CHETTITHODU P.O.,
MEENACHIL TALUK NOW RESIDING IN DOOR NO.78,
INDIRA NAGAR, UTHAMPALAYAM, THENI DIST IN
TAMILNADU.

BY ADV. SRI.V.K.SUNIL

RESPONDENTS: COMLAINANT

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2483 of 2007

Dated this the 3rd day of August, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. Consequent to his non appearance before the learned Magistrate, the learned Magistrate has transferred the case to the list of Long Pending Cases and has issued coercive process against the petitioner. The petitioner finds a warrant of arrest issued by the learned Magistrate chasing him. According to the petitioner, he is innocent. His omission to appear earlier was not wilful. He is willing to appear and apply for bail and co-operate with the court for expeditious disposal of the case. The petitioner apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and

expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-

//true copy// PA to Judge